

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

SUO MOTU WRIT PETITION (PIL) NO.4 OF 2005

Ram Maheshwary & anr.	Petitioners
VS.	
State of Maharashtra & ors.	Respondents

None for the petitioners.

Mr.K.K.Singhvi, Senior Counsel with Mrs.V.K.Khatu
for the B.M.C.

Mr.Amjad Sayyed, A.G.P. for the respondent no.1.

**CORAM : R.M. LODHA &
ANOOP V. MOHTA, JJ.**

DATED : 1st February 2006

P.C.

We perused the affidavit of the Municipal Commissioner dated 20th December 2005.

2. In the affidavit, the Municipal Commissioner has set out the measures for protection and preservation of trees undertaken from time to time which read thus:

"i) Prior to monsoon every year, the existing trees along the roads, gardens, playgrounds, open spaces etc. are required to be balanced by pruning/cutting of overgrown branches, giving support etc.

ii) Applications received from the citizens, institutions, organizations, co-op. Hsg.Societies etc. requesting to grant permission for cutting of branches of trees for various reasons are being scrutinized by inspecting the sites and requisite permissions are granted so as to balance the tree thereby preserve these trees.

iii) Tree guards are provided to tree saplings which are planted along the roads/footpaths.

iv) Advise and guidance is given by the staff of the Tree Authority to the public for treatment of infected trees.

v) During the monsoon, the trees are uprooted due to heavy rain and wind, the efforts are made for replanting of the said tree taking into consideration the site condition and variety/age of the trees and thereafter the same is replanted.

vi) Necessary measures are taken to remove the asphalt around the tree trunk which hinder the growth of the tree.

vii) A press note is issued in the local news papers, especially during the Holi festival appealing the citizens not to cut any tree or its branches for burning. The Commissioner of Police/Sr. Inspector of Police of all police stations are requested to keep the vigil in their area to protect the trees."

3. The Municipal Commissioner has also set out the details for development and maintenance of Nurseries and Organisation of Flower, Fruit, Vegetable and Plant Shows. In the affidavit, the Municipal Commissioner has also set out that the Census of existing trees in all lands within its jurisdiction will be carried expeditiously. Mr.K.K.Singhvi, the learned Senior Counsel submitted that within 10 months from today, the census of existing trees in all lands within the jurisdiction of Bombay Municipal Corporation shall be completed. We accept his statement.

4. We are satisfied with the reply affidavit filed by

Municipal Commissioner and, in our opinion, no further order needs to be passed.

5. Writ petition is disposed of accordingly.

(R. M. LODHA, J.)

(ANOOB V. MOHTA, J.)